



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,657	06/14/2005	Ulrich Lucdtke	081276-1048-00	6631

23409 7590 10/01/2007
MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

EXAMINER

LEY, FRANCISCO M

ART UNIT	PAPER NUMBER
----------	--------------

3746

MAIL DATE	DELIVERY MODE
-----------	---------------

10/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,657

Applicant(s)

LUÉDTKE ET AL.

Examiner

Francisco M. Ley

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 11-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/14/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

2. The abstract of the disclosure is objected to because it exceeds 150 words in length and goes into detailed description of the invention instead of merely providing a general and concise statement of the disclosure. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities:

Page 2, paragraph 5, line 3, "electric motor in arranged" should recite, "electric motor **is** arranged".

Art Unit: 3746

Page 2, paragraph 7, line 3, "electrical driven air pump" should recite, "electrically driven air pump".

Page 3, paragraph 11, line 1, "the electrically driven **the** air pump" should recite, "the electrically driven air pump".

Page 5, paragraph 18, line 3, "an electrical driven air pump" should recite, "an electrically driven air pump".

Pages 8-9, paragraph 33, line 4, "drive air pump" should recite, "driven air pump".

Appropriate correction is required. Also, this list is exemplary and is not meant to be exhaustive. The entire disclosure should be reviewed and corrections made to any remaining informalities.

Claim Objections

4. Claims 5-7, and 11-19 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt-Marloh et al. (U.S. Patent 5,738,503; Hereinafter referred to as Marloh).

Regarding Claim 1, Marloh discloses a method to manufacture an electrically driven air pump 1, in particular a method to manufacture a secondary air pump 1 for a motor vehicle with an internal combustion engine (Column 4, Lines 1-7), wherein the air pump 1 includes a housing 100, in which a pump mechanism with at least one fan wheel 32 as well as an electric motor 36 driving the at least one fan wheel 32 are arranged, and characterized in that the air pump 1 is counter balanced with the electric motor 36 built into the housing 100 via balancing in at least two planes 21 and 22 that are spaced apart axially.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marloh (U.S. Patent 5,738,503) as applied to claim 1 above, and further in view of Nakanura et al. (U.S. Patent 5,235,228; Hereinafter, Nakamura).

Marloh discloses substantially all of the claimed invention as applied to claim 1 and also discloses the use of balancing on a fan wheel 32 by material removal (Column 5, Lines 52-56). However, Marloh does not disclose the use of a balancing plate, which is taught by Nakanura. Nakanura discloses the use of two balancing plates 22F and 22R for balancing an electric motor by material removal which may be achieved either by removing screws from the balancing plates 22F and 22R or by drilling the plates to

Art Unit: 3746

desired depths (Column 3, Lines 47-50). As Nakanura shows in Figures 1, 3, and 5, the balancing plates are arranged on the shaft 14 of a driving motor (10, 12) and are placed on both sides of the motor, which would naturally correspond to an opposing side of a fan wheel. Furthermore, the balancing plates 22F and 22R could obviously be composed at least partially of a metal for added strength and reliability as opposed to plastic for example.

It would have been obvious at the time the invention was made to modify the air pump disclosed by Marloh to use a balancing plate as taught by Nakanura. Marloh states that balancing is achieved in two compensation planes, which are spaced axially from one another where the first plane includes the radial blower, and the second plane is on the opposite side of the external rotor with possible attachment of material (Column 3, Lines 17-24). Therefore, the "attachment of material" could obviously be a balancing plate as taught by Nakanura as this would allow the motor to be accurately balanced at both the front and rear ends to obtain a two-point balance (See Nakanura Column 2, Lines 31-34).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Francisco M. Ley whose telephone number is (571) 270-1299. The examiner can normally be reached on Monday-Friday, 8:30am-6:00pm, Alt Fridays, EST.

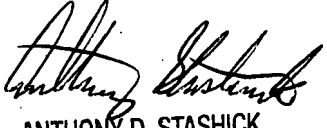
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached at (571) 272-4561. The fax phone

Art Unit: 3746

number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.

/FML/
September 25, 2007


ANTHONY D. STASHICK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700